

**Upper Kings Basin Integrated Regional Water Management Authority
Advisory Committee Notes, September 21, 2011
Fresno County Farm Bureau, 1274 W. Hedges, Fresno, 93728**

Notes of the Meeting of the Advisory Committee (Committee) of the Upper Kings Basin Integrated Regional Water Management Authority (Water Authority) held September 21, 2011.

1. Call to order

Advisory Committee Acting Chair David Orth called the meeting to order at 9:33 am. Orth noted that there were not enough members present to constitute a quorum.

Directors/Alternate Directors Present:

Phil Desatoff, Consolidated Irrigation District (alternate)
David Orth, Kings River Conservation District (alternate)
Denise Akins, County of Tulare (alternate)
Joe Prado, County of Fresno (alternate)
Martin Querin City of Fresno (alternate)
Lisa Koehn, City of Clovis (alternate)
Gary Serrato, Fresno Irrigation District (alternate)
Dean Uota, City of Dinuba (alternate)
Ken Moore, City of Kerman (alternate)
Joshua Mitchell, City of Sanger
Buzz Burleson, Fresno Metropolitan Flood Control District

Members Absent:

Alta Irrigation District
City of Parlier
City of Kingsburg
City of Reedley
Kings County Water District
City of Selma
Raisin City Water District

Interested Parties Present:

Paul Boyer, Self-Help Enterprises
Tim Bakman, Bakman Water Company
Laurel Firestone, Community Water Center
Mark Gilkey, County of Kings
David Cehrs, El Rio Reyes Trust, Sierra Club, Tehipite Chapter
Hank Urbach, Kings River Conservancy

Interested Parties Absent:

Biola Community Services District	Liberty Water District
California Native Plant Society, Sequoia Chapter	London Community Services District
City of San Joaquin	Mid-Valley Water District
Cutler Public Utilities District	Orange Cove Irrigation District
East Orosi Community Services District	Orosi Public Utilities District
Hardwick Water Company	Riverdale Irrigation District
James Irrigation District	Riverdale Public Utility District
Kings River Water Association	Sierra Resource Conservation District
Laguna Irrigation District	Sultana Community Services District
Liberty Canal Company	Terranova Ranch, Inc.
	Tulare Basin Wildlife Partners

Others Present:

Brock Buche, City of Fresno	Jerry Lakeman, Fresno Metropolitan Flood Control District
Eric Osterling, KRCD	Owen Kubit, Provost & Pritchard
Cristel Tufenkjian, KRCD	Gary Horn, Yamabe & Horn, City of Orange Cove
Rick Hoelzel, KRCD	Shelly Abajian, Senator Feinstein
Ron Samuelian, Provost & Pritchard	John Mulligan, City of Sanger
Steve Pickens, Bakman Water Company	
Shay Bakman, Bakman Water Company	

Addition to or Deletion from the Agenda

There were no additions to or deletions from the agenda.

Public Presentations

None

Review of the June 22, 2011 Meeting Notes

Orth stated that the notes of the June 22, 2011 meeting were in the agenda packet for the Committee members' review. There were no comments regarding the notes.

Work Group Reports and Recommendations

Monitoring Work Group - Orth called on Phil Desatoff, Monitoring Work Group chair, to report on Monitoring Work Group activities. Desatoff reported that as of September 13, KRCD had been conditionally approved by DWR as the CASGEM (SBx7 6) Monitoring Entity for the Kings Basin. Desatoff reported that CASGEM requires two well elevation surveys per year in the Fall and the Spring. Desatoff reported that a letter will go out at the end of this week notifying participants in the Kings and Tulare Lake Hydrologic basins should conduct their Fall surveys during the month of October.

Model Work Group - Orth called on Gary Serrato to report on Model Work Group activities. Serrato reported that the Model Work Group is reviewing the *Development, Maintenance, and Management of the Groundwater and Surface Water Model Policy* that was adopted in 2008. Serrato reported that the model is being utilized in a DBCP lawsuit filed by one of the Water Authority members. Serrato stated that when the model was developed, the member agencies agreed to keep the data provided by member agencies confidential and this continues to be the policy.

DACS Work Group – Orth called on staff member Eric Osterling to report on the DAC Work Group. Osterling reported that the Water Authority received a draft contract for the Disadvantaged Communities (DAC) Outreach & Planning Pilot Study (Pilot Study) from DWR in the amount of \$500,000. This proposal was submitted in anticipation of having the study completed prior to the preparation of the Water Authority's IRWMP update, but due to delays, the study will be conducted on a parallel track as the IRWMP update process.

Osterling called on Denise Akins to provide an update on the Tulare County DAC grant. Akins reported that the grant will study water and wastewater problems. Akins reported that they are compiling and formatting the data. This process should be done by the end of October. Akins reported that a stakeholder advisory committee has been formed with representatives from all four counties involved in the study including Fresno, Kings, Tulare, and Kern counties. The advisory committee will identify priority issues and viable solutions and select pilot projects. Pilot projects will begin in the Summer of 2012. The grant has been funded through 2014. Laurel Firestone reported that she has been working on outreach for the grant. Firestone reported that she is developing an e-mail distribution list for those who want to receive updates regarding the grant. Firestone also reported that information is available at the Tulare County website. Firestone also reported that Provost & Pritchard has been chosen to administer the grant implementation.

Firestone recommended that Provost & Pritchard administer the Tulare County DAC grant and the Water Authority Pilot Study to ensure that the grants work together and not duplicate work. Firestone stated that the Tulare County grant covers a larger geographical region and will be more conceptual. The Pilot Study will allow for more substantive work with the individual communities.

Outreach Work Group - Orth called on staff member Cristel Tufenkjian to report on Outreach Work Group activities. Tufenkjian reported that the Water Authority Board at their July 20 meeting approved \$1,000 in the budget for a graphic artist to design a logo for the Water Authority. Tufenkjian reported that the Outreach Work Group interviewed and selected a graphic artist. The

graphic artist provided several draft logos based on the design specifications provided by the Outreach Work Group. The Outreach Work Group will narrow down and refine the selection of logos. In order to expedite the design process, it was agreed by the Advisory Committee members to vote on the final logo designs via e-mail.

Projects Work Group – Orth called on staff member Eric Osterling to report on Projects Work Group activities. Osterling reported that to keep the Project List more current, staff is proposing that a call for projects would occur at each Advisory Committee. This would allow for an ongoing process to add projects that meet the goals and objectives of the IRWMP to the Project List. Any projects that were submitted and approved by the Advisory Committee would be brought before the Board for approval for the Project List. Advisory Committee members agreed to staff's proposal.

Staff Reports

Planning and Implementation Contracts - Orth called on staff member Eric Osterling to report on the status of planning and implementation contracts. Osterling reported that a status table and map of the planning and implementation contracts were included in the agenda packet. Osterling reviewed the status of projects listed in the table including Prop 13 Groundwater Storage Construction Grant Program, Prop 50 Round 2 IRWM Implementation Grant Program, Prop 50 Supplemental – Mini 50 – Grant Program, Prop 84 IRWM – Discretionary Funds – Disadvantaged Communities Pilot Program, Prop 84 Round 1 IRWM Implementation Grant Program, and Prop 84 Round 1 IRWM Planning Grant Program. Serrato reported that FID was selected to be audited by the State regarding one of their grant projects. Serrato reported that FID passed the audit, which was very rigorous and thorough.

Osterling called on Ron Samuelian from Provost & Pritchard to give an update on the IRWM Plan update process. Samuelian stated that the IRWM Plan is being updated to meet new requirements by DWR and to include Water Authority membership changes that have occurred since the original Plan's completion in July 2007. Samuelian reviewed the process for preparation including the development of a Plan Update Work Group. Osterling reported that the Plan Update Work Group members include David Orth, Jerry Lakeman, Gary Serrato, Brock Buche, Joe Prado, Dean Uota, and Lisa Koehn. Samuelian noted that the Plan update will proceed on a parallel track with the Pilot Study, which results will need to be incorporated into the Plan update. Samuelian reviewed the update schedule, which includes completion of a draft Plan in the Summer of 2012 and adoption of the final Plan at the October 2012 Board meeting. Samuelian reported that DWR's intent is that every entity that is part of the Water Authority adopt the IRWMP, including Interested Parties. Samuelian requested that the Advisory Committee members communicate back to Water Authority staff whether they can comply with the adoption requirement by DWR. Discussion followed regarding the timing of the adoption by the entities. It was decided that the Plan could be adopted by entities prior or after the adoption by the Water Authority Board. Samuelian also requested that Advisory Committee members to communicate back to Water Authority staff if their organization supports Provost & Pritchard's determination that the IRWM Plan update falls under a Statutory Exemption for CEQA Compliance.

Orth asked if there would be a facilitator for the Plan update process. Samuelian reported that at this time, it is assumed that discussions will be facilitated internally. Orth reported that the California Water Foundation has expressed interest in the Water Authority's IRWMP. Orth reported that a proposal has been submitted in the amount of \$25,000 to retain a facilitator to assist with land use planning discussions during the Plan update process. A response from the California Water Foundation is expected in 30-60 days.

Osterling reported that Monica Reis will no longer be the DWR staff contact for the Water Authority. The new contact from DWR will be Simarjit Dhanota.

Inter-regional and Statewide Coordination - Orth called on staff member Eric Osterling to report on inter-regional and statewide coordination. Osterling reported that KRCD staff members attend monthly coordination meetings of the Tulare Lake Hydrologic Region JPAs. At the last meeting, the group discussed the DAC regional studies. The group also discussed the Southern Sierra's boundaries and Regional Acceptance Process. The statewide roundtable meeting for IRWMPs is being scheduled for October.

Public Information - Orth called on staff member Cristel Tufenkjian to report on public information. Tufenkjian reported that a media event will be scheduled in late October or early November to celebrate the tenth anniversary of the Water Authority and the successes accomplished over this period of time.

Legislation - Orth reported that the Legislature recessed on September 9 and the Governor has until October 8 to consider bills that are on his desk. Orth reported on three bills that are being tracked by Kings River interests that impact IRWMPs.

SB 834 (Wolk) Integrated regional water management plans: contents. The bill was originally drafted requiring an integrated regional water management plan to demonstrate the manner in which the plan complies with a specified state policy concerning reducing reliance on the Sacramento-San Joaquin Delta for water supply and improving regional self-reliance for water. The bill has been amended to narrow the scope of the impact to only those regions that receive water supply that originates in the Sacramento-San Joaquin Delta. This excludes the Kings Basin in its current draft from complying with that requirement. There are concerns that the whole state is dependent on the Delta water supply, so it could be extended to encompass all IRWMPs. The Kings River interests through the Association of California Water Agencies sought amendments to clarify and distinguish between IRWMPs that aren't dependent on Delta exports and those that are. The bill is on the Governor's desk.

AB 359 (Huffman) Groundwater management plans. This bill requires that groundwater management plans include identification of prime recharge areas and that a map representing the prime areas be included in IRWMPs and the general planning process. There is also a noticing process in the bill. Orth stated that the Water Authority has complied with these requirements through the Water Authority's IRWMP. This bill is on the Governor's desk.

AB 263 (Pavley) Wells: reports: public availability. This bill requires the Department of Water Resources to make well log reports available, with certain restrictions, to governmental agencies for studies, college-level or higher academics for research, geologists, geophysicists, hydrologists, civil engineers, licensed well contractors or any person who obtains written authorization from the well owner. This bill makes any person who knowingly violates the restrictions on the use or sharing of a well completion report guilty of a misdemeanor violation punishable by up to \$25,000 per day, a year in county jail, or both. Orth reported that the bill language regarding violations conflicts with the monitoring and reporting responsibilities under SBx7 6, California's groundwater monitoring program. The bill is on the Governor's desk. Firestone reported that the Community Water Center sent a letter requesting a veto from the Governor.

Firestone reported on four additional bills that are on the Governor's desk:

AB 983 (Perea) Safe Drinking Water State Revolving Fund. This bill would authorize the department to take specified actions to improve access to financial assistance for small community water systems and not-for-profit nontransient noncommunity water systems serving severely disadvantaged communities, as defined. Under existing law, not less than 15% of the fund is required to be expended for providing loans and grants to eligible projects by public water systems that regularly serve fewer than 10,000 persons. This bill would require small community water systems or

nontransient noncommunity water systems, owned by a public agency or private not-for-profit water company, serving severely disadvantaged communities to be eligible to receive up to 100% of eligible project costs in the form of a grant, to the extent the system cannot afford a loan.

AB 1221 (Alejo) State Water Quality Control Fund: State Water. The act requires certain moneys, including General Fund revenues of penalties, collected pursuant to these provisions to be deposited in the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund. The act continuously appropriates the money in the account to the State Water Resources Control Board for specified cleanup programs. The act authorizes the state board, upon application by a public agency with authority to clean up or abate the effects of waste on waters of the state, to order moneys in the account to be paid to the agency to assist in cleaning up or abating the effects of the waste. This bill would additionally authorize the state board to pay these moneys to specified tribal governments and not-for-profit organizations serving disadvantaged communities, as defined, that have authority to clean up or abate the effects of waste. By authorizing new expenditures from a continuously appropriated account, this bill would make an appropriation.

SB 244 (Wolk) Local government: land use: general plan. This bill would require, on or before the next adoption of its housing element, a city or county to review and update the land use element of its general plan to include an analysis of the presence of island, fringe, or legacy unincorporated communities, as defined, and would require the updated general plan to include specified information. This bill would also require the city or county planning agency, after the initial revision and update of the general plan, to review, and if necessary amend, the general plan to update the information, goals, and program of action relating to these communities therein. By adding to the duties of city and county officials, this bill would impose a state-mandated local program.

AB 938, (V. Manuel Pérez) Public water systems. This bill would require, commencing July 1, 2012, that written public notice given by a public water system pursuant to these provisions be in English, Spanish, and in the language spoken by prescribed numbers of residents of the community served, and that the notice contain prescribed public water system contact information. The bill would also authorize and encourage nonwritten notice to be provided through foreign language media outlets.

Request to modify the IRWMP Project List

Osterling reported that there are two projects that KRCD is requesting be added to the IRWMP Project List, the Kings River Levee Evaluation Project and the Kings River Critical Levee Repairs Project. The Kings River Levee Evaluation Project will conduct hydrology and hydraulic studies and geotechnical evaluations of levees that are needed for accreditation by FEMA. The objective of this project is to reduce flood risk by evaluating flood project levees, identifying deficiencies, and recommending appropriate management actions. The Kings River Critical Levee Repairs Project will undertake critical levee repairs throughout various reaches of the Kings River. The objective of this project is to reduce flood risk by making critical levee repairs and achieving a design level of flood protection. Osterling reported that both projects were reviewed and approved by the Project Review Panel for their consistency with the IRWMP goals and objectives. Osterling reported that the Project Work Group is recommending that the projects be added to the IRWMP Project List. Orth stated that he will report to the Board that the projects were presented to the Advisory Committee and there was no opposition expressed to including them to the Project List.

Recommendation to amend IRWM Plan Update Services Contract with Provost & Pritchard

Osterling reported that the Water Authority had a competitive bid process to select a vendor to update the IRWM Plan. The Water Authority chose and signed a contract with Provost & Pritchard to update the Plan. It was anticipated at that time that the Kings Basin Disadvantaged Community Outreach and Planning Pilot Study would be completed prior to the update process; however, the delay in issuing the contract for the Pilot Study now puts it on a parallel track with the Plan update process. Because the information from the Pilot Study will be incorporated into the Plan update, staff is recommending

that the IRWM Plan Update Services Contract with Provost & Pritchard be amended to include the Kings Basin Disadvantaged Community Outreach and Planning Pilot Study administered by the California Department of Water Resources. Osterling reported that this is a separate funding contract with DWR. It was noted that since there is a linkage between the IRWM Plan Update, the Kings Basin Disadvantaged Community Outreach and Planning Pilot Study, and Tulare County DAC grant that using Provost & Pritchard will create efficiencies in costs and time. The Advisory Committee members discussed having a separate contract rather than amending the current contract since it is a separate funding source for the Pilot Study. Orth stated that he will report to the Board that the Advisory Committee recommends entering into a separate contract with Provost & Pritchard to administer the Pilot Study.

Other items for discussion or reporting

There is no other discussion

Next Meeting Date

Orth noted that the next regularly scheduled meeting for the Advisory Committee is December 21, 2011 at 9:30 am at the Fresno County Farm Bureau. Due the close proximity to Christmas, the meeting was rescheduled to December 14 at 9:30 am.

ADJOURNMENT

There being no further business the meeting was adjourned at 11:37 am.

Respectfully submitted,

Dave Orth
Secretary/Treasurer

Approved

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